



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 15, 2022

By ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

**Re: *United States v. Donnell Russell,*
 20 Cr. 538 (PGG)**

Dear Judge Gardephe:

MEMO ENDORSED: The application is GRANTED.
The Government shall email or call the Court to provide
Individual-1's phone number, and the Court will dial in
Individual-1 at the time of the hearing.

SO ORDERED.

Paul G. Gardephe
United States District Judge
Dated: December 15, 2022

The Government respectfully submits this letter in the above-captioned matter to request that the Court provide a dial-in number for the sentencing hearing scheduled for December 19, 2022, at 10:30 a.m. The Government understands from counsel for an individual ("Individual-1") who attended and was evacuated from the December 4, 2018 screening at NeueHouse, and whose daughter was included in the PowerPoint presentation that the defendant created (*see e.g.*, GX 1409, 1409A) that Individual-1 would like to speak at the sentencing. Individual-1 has requested that she be permitted to give her statement by phone. The Government accordingly requests that the Court provide a dial-in number for the sentencing hearing so that Individual-1 may listen to the proceeding and make a statement to the Court. *See generally* 18 U.S.C. § 3771(a)(3)-(4); *see also United States v. Eberhard*, 525 F.3d 175, 177 (2d Cir. 2008) (noting that the sentencing court's discretion is "largely unlimited either as to the kind of information it may consider, or the source from which it may come." (cleaned up)). Defense counsel takes no position on the Government's request.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: s/
Peter J. Davis / Lara Pomerantz
Assistant United States Attorneys

cc: Counsel of Record (by ECF)